

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

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Received with thanks

16 JUNI 2004

Awapatent A/S

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

14.06.2004

Applicant's or agent's file reference
99000363/CHE

IMPORTANT NOTIFICATION

International application No.
PCT/B 03/00451

International filing date (day/month/year)
12.02.2003

Priority date (day/month/year)
01.03.2002

Applicant
NOKIA CORPORATION et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 99000363/CHE		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/IB 03/00451	International filing date (<i>day/month/year</i>) 12.02.2003	Priority date (<i>day/month/year</i>) 01.03.2002	
International Patent Classification (IPC) or both national classification and IPC H04M1/725, H04M1/725			
Applicant NOKIA CORPORATION et al.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 20 sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the opinion II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii), with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application 			
Date of submission of the demand 30.09.2003		Date of completion of this report 14.06.2004	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Agreda Labrador, A Telephone No. +49 89 2399-8263 	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IB 03/00451

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-16 received on 01.10.2003 with letter of 30.09.2003

Claims, Numbers

1-15 received on 29.12.2003 with letter of 29.12.2003

Drawings, Sheets

1/6-6/6 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IB 03/00451

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-15
	No: Claims	
Inventive step (IS)	Yes: Claims	1-15
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-15
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IB03/00451

Reference is made to the following documents, cited in the International Search Report:

- D1: DE 100 18 375 A (SIEMENS AG) 18 October 2001
- D2: WO 01 37229 A (WILDCARD COMM CANADA INC) 25 May 2001
- D3: WO 02 11074 A (NOKIA MOBILE PHONES LTD) 7 February 2002
- D4: EP-A-1 091 540 (NOKIA MOBILE PHONES LTD) 11 April 2001

Re Item V: Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. The present application concerns a method (claim 1), a user exchangeable cover (claim 13) as well as a wireless terminal containing such a cover (claim 4) for supporting a user interface. The terminal and cover are connected by an electrical connector having a plurality of pins. At least one of the pins is sensed to identify the type of cover, and then used for operating the circuitry of the cover.

A similar arrangement is disclosed in D1 (see specially column 3, lines 4-9; column 3, line 53-column 4, line 29).

2. The claimed cover also comprises keys connected to the cover circuitry, which are adapted to map to a set of tones and/or sound effects. This feature adds further functionality to the wireless terminal (eg music composer, sound creation, games, ring tone creation).
3. This idea is not derivable in D1, neither per se nor in combination with the rest of the available documents. The concept of a functional cover serving as a music composer or a sound creating application appears to be new. Therefore, independent claims 1, 4 and 13 meet the requirements for novelty and inventive step (Articles 33(1)-(3) PCT).

However, they would have required amendments to overcome the objections set out in Item V.5 of this report.

4. Claims 2, 3, 4-12, 14 and 15 are dependent on one of the independent claims and thus also meet the requirements for novelty and inventive step (Articles 33(1)-(3) PCT).

5. Certain observations on the international application

- 5a. The inventive idea contained in the last paragraphs of the independent claims should have been further characterised with the help of the description on page 12, line 20-page 13, line 26.

The current wording of the claims does not make clear that the keys are adapted to play a sound, as expressed in original claim 11. Furthermore, it is not clear how the mapping between the keys and the tones/sounds is carried out, ie that the cover is adapted for an application designating keys to be assigned to tones/sounds (see page 12, lines 20-30).

- 5b. For the sake of conciseness and the clarity of the set of claims (Article 6 PCT), it would have appeared appropriate to draft claim 4, directed to a wireless communication having a user exchangeable cover part, to be dependent on claim 13, directed to such a cover.

6. Certain defects in the international application

- 6a. The independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features (ie the last paragraph) being included in the characterising part (Rule 6.3(b)(ii) PCT).
- 6b. The description should have been brought into full conformity with the newly filed claims as required by Rule 5.1(a)(iii) PCT.
- 6c. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IB03/00451

- 6d. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
- 6e. The phrase "hereby incorporated by reference" on page 6 (line 12) should have been deleted as the application should be self-contained; such referenced documents are not regarded as part of the disclosure unless they contain matter essential to the invention, in which case the subject-matter in question would have to be incorporated into the description. This however is not the case here (see PCT Guidelines II-4.17).
- 6f. "Figure 2" (page 6, line 16) should read "Figure 3".